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Attorneys for Plaintiff
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Attorneys for Defendants
 LIFE INSURANCE COMPANY OF NORTH AMERICA
 and TRAMMELL CROW AND ASSOCIATED
 COMPANIES WELFARE BENEFITS PLAN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 6/29/05

DIANE L. MALLOY,

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF
 NORTH AMERICA; TRAMMELL CROW
 AND ASSOCIATED COMPANIES
 WELFARE BENEFITS PLAN,

Defendants.

) CASE NO. CV 04-05419 RMW

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On June 10, 2005, the Court entered a Case Management Statement Order, which ordered the parties to submit briefs to the Court to determine: (1) the applicable standard of review that applies to Defendants' decision regarding Plaintiff's entitlement to long-term disability benefits;

Stip. and [Proposed] Order to Continue Briefing Schedule and Hearing Re: Standard of Review;
 Case No. CV 04-05419 RMW

1 and (2) whether discovery outside the administrative record is permissible. The Court assigned
2 the following briefing schedule and hearing date:

3 Plaintiff's Opening Brief: June 24, 2005

4 Defendants' Opposition: July 8, 2005

5 Plaintiff's Reply: July 15, 2005

6 Hearing: August 5, 2005 at 9:00 a.m. in Courtroom 6

7 A copy of the Court's June 10, 2005 Case Management Order is attached hereto as
8 Exhibit A.

9 Subsequently, the parties agreed and hereby stipulate to mediate this dispute in private
10 mediation in August 2005. In view of the parties agreement to mediate in August 2005, the
11 parties respectfully request this Court to continue both the briefing schedule and hearing
12 regarding the applicable standard of review for sixty (60) days.

13 Good cause exists for the parties' request for a continuance of both the briefing schedule
14 and hearing regarding the standard of review because the August 2005 mediation will enable the
15 parties to seek to informally resolve this litigation before they incur further litigation expenses,
16 including the amounts associated with motion practice respecting the standard of review. No

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1 trial date for this matter has been set, so this requested continuance would not adversely affect
2 the schedule for this case.

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4 Dated: June 22, 2005

LAW OFFICES OF BRIAN E. HAWES

5
6 By: Brian E. Hawes

Brian E. Hawes

7 Attorney for Plaintiff
8 DIANE MALLOY

9 Dated: June 22, 2005

SEYFARTH SHAW LLP

10
11 By: Cassandra H. Carroll

Carolyn A. Knox
Cassandra H. Carroll

12
13 Attorneys for Defendants
14 LIFE INSURANCE COMPANY OF
15 NORTH AMERICA and TRAMMELL
16 CROW AND ASSOCIATED COMPANIES
17 WELFARE BENEFITS PLAN

18 IS SO ORDERED:

19 Dated: 6/29/05

/S/ RONALD M. WHYTE

Ronald M. Whyte
United States District Judge

20
21 SFI 28213002.1 / 25399-000105 The briefing schedule and hearing date is reset: (jg)

22 Plaintiff's Opening Brief:

August 26, 2005

23 Defendants' Opposition:

September 9, 2005

24 Plaintiff's Reply:

September 16, 2005

25 Hearing:

October 14, 2005 @ 9:00 am

EXHIBIT A

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 6/16/05

DIANE L. MALLOY,

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF
 NORTH AMERICA; TRAMMELL CROW
 AND ASSOCIATED COMPANIES
 WELFARE BENEFITS PLAN,

Defendants.

) CASE NO. CV 04-05419 RMW
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) ~~XXXXXXXXXX~~ [PROPOSED] CASE MANAGEMENT
) STATEMENT ORDER
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Counsel for the parties in the above-entitled action appeared on May 20, 2005 for a Case Management Conference, pursuant to Civil LR 16 and FRCP 16.

As a result of the case management conference, it was determined that:

1 STANDARD OF REVIEW/DISCOVERY

2 The parties shall submit briefs to the Court to determine:(1) the standard of review that
3 applies to Defendants' decision regarding Plaintiff's entitlement to long-term disability benefits;
4 and (2) whether discovery outside of the administrative record is permissible. The parties' briefs
5 shall be filed in accordance with the following briefing schedule:

6 Plaintiff's Opening Brief: June 24, 2005

7 Defendants' Opposition: July 8, 2005

8 Plaintiff's Reply: July 15, 2005 9:00

(jg)

9 Hearing: August 5, 2005 at ~~10:30~~^{10:00} a.m. in Courtroom 6

10 SUBSEQUENT CASE MANAGEMENT CONFERENCE

11 Pursuant to Civil LR 16-10(c) and FRCP 16, the Court will conduct a Subsequent Case
12 Management Conference for the above-entitled action on August 5, 2005 at 10:30 a.m. in
13 Courtroom 6.

14 IT IS SO ORDERED:

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16 Dated: 6/10/05

/S/ RONALD M. WHYTE

Ronald M. Whyte
United States District Judge

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